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|-------------------------------|------------------------|---------------------|--|
| Notice of Allowability | Application No. | Applicant(s) | |
| | 10/768,949 | NAWATA ET AL. | |
| | Examiner | Art Unit | |
| | Michael G. Bogart | 3761 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal brief received 29 August 2006.
2. ☒ The allowed claim(s) is/are 2-8.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date <u>06 April 2006</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
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EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gary Foose on 22 November 2006.

The application has been amended as follows:

Cancel Claim 1.

Replace claim 3 with the following:

--A waist belt for supporting a disposable absorbent assembly, the belt having a longitudinal centerline, a transverse centerline, a wearer-facing surface, an opposing surface, two end edges oppositely disposed with respect to the transverse centerline, and two side edges oppositely disposed with respect to the longitudinal centerline;

the belt comprising a central segment, at least two intermediate segments and at least two distal segments;

the central segment being positioned along the longitudinal centerline and extending transversely outwardly from the longitudinal centerline on either side of the longitudinal centerline, the central segment having a first longitudinal length defined by the distance between the end edges of the central segment;

each intermediate segment transversely outwardly extending from the central segment and being positioned between the central segment and a distal segment, each intermediate

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segment covering a side hip of the wearer when the belt is worn, each intermediate segment having a second longitudinal length defined by the distance between the end edges of each intermediate segment;

each distal segment extending transversely outwardly from an intermediate segment and including one of the side edges of the belt, each distal segment having a third longitudinal length defined by the distance between the end edges of each distal segment;

wherein the second longitudinal length is greater than the first longitudinal length, and greater than the third longitudinal length;

wherein the belt comprises a fastener element positioned on at least one of the distal segments for releasably securing the belt around the waist of the wearer, and an attachment surface formed at least on the opposing surface of each intermediate segment for releasably attaching the disposable assembly to the belt; and

wherein the attachment surface for releasably attaching the absorbent assembly to the belt is formed on the opposing surfaces of the intermediate segments and the central segment.--

Claim 2 depends from claim 3.

Claim 4 depends from claim 3.

Claim 5 depends from claim 3.

Replace claim 6 with the following:

--An absorbent article having a longitudinal centerline, a transverse centerline, a wearer-facing surface and an opposing surface;

the absorbent article comprising:

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a disposable absorbent assembly comprising a liquid pervious topsheet, a liquid impervious backsheet, an absorbent core positioned between the topsheet and the backsheet, and an attachment means provided on the wearer-facing surface of the disposable assembly;

a waist belt having two end edges oppositely disposed with respect to the transverse centerline, and two side edges oppositely disposed with respect to the longitudinal centerline, the belt comprising a central segment, at least two intermediate segments and at least two distal segments;

the central segment being positioned along the longitudinal centerline and extending transversely outwardly from the longitudinal centerline on either side of the longitudinal centerline, the central segment having a first longitudinal length defined by the distance between the end edges of the central segment;

each intermediate segment transversely outwardly extending from the central segment and being positioned between the central segment and a distal segment, each intermediate segment covering a side hip of the wearer when the belt is worn, each intermediate segment having a second longitudinal length defined by the distance between the end edges of each intermediate segment;

each distal segment extending transversely outwardly from an intermediate segment and including one of the side edges of the belt, each distal segment having a third longitudinal length defined by the distance between the end edges of each distal segment;

wherein the second longitudinal length is greater than the first longitudinal length, and greater than the third longitudinal length;

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wherein the belt comprises a fastener element positioned on at least one of the distal segments for releasably securing the belt around the waist of the wearer, and an attachment surface formed at least on the opposing surface of each intermediate segment of the belt such that the attachment surface is complementary to the attachment means for releasably attaching the disposable assembly to the belt; and

wherein the attachment surface for releasably attaching the absorbent assembly to the belt is formed on the opposing surfaces of the intermediate segments and the central segment.--

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The most relevant art of record, Stein (US 1,475,895) fails to disclose or fairly suggest that disposed on the central segment (as described in the Office action dated 06 April 2006) is an attachment surface capable of releasably attaching an absorbent assembly.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Bogart whose telephone number is (571) 272-4933.


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In the event the examiner is not available, the Examiner's supervisor, Tatyana Zalukaeva may be reached at phone number (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300 for formal communications. For informal communications, the direct fax to the Examiner is (571) 273-4933.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Michael Bogart
22 November 2006


TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER